

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LEMARR JENNINGS,	:	Case No. 3:16-cv-369
	:	
Petitioner,	:	Judge Thomas M. Rose
	:	
- VS -	:	
	:	
NEIL TURNER, WARDEN,	:	
North Central Correctional Complex,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOCS. 7, 11, 14);
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 6),
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 10),
AND SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS
(DOC. 13); AND DISMISSING WITH PREJUDICE PETITION UNDER 28
U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS (DOC. 1)**

This case is before the Court on the Objections (Docs. 7, 11, 14) filed by Petitioner Lemarr Jennings (“Jennings”) to the Report and Recommendations (“Report”) (Doc. 6), Supplemental Report and Recommendations (“Supplemental Report”) (Doc. 10) and Second Supplemental Report and Recommendations (“Second Supplemental Report”) (Doc. 13). In the Report, Supplemental Report and Second Supplemental Report, Magistrate Judge Michael R. Merz concluded, on initial review pursuant to Rule 4 of the Rules Governing § 2254 Cases, that Jennings’s Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus (the “Petition”) (Doc. 1) plainly does not entitle him to any relief. The Magistrate Judge therefore recommended that this Court dismiss the Petition with prejudice.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Jennings’s Objections (Docs. 7, 11, 14) to the Report (Doc. 6), Supplemental Report (Doc. 10) and Second Supplemental Report (Doc. 13) are not well taken and they are hereby

OVERRULED. The Court **ADOPTS** the Report (Doc. 6), Supplemental Report (Doc. 10) and Second Supplemental Report (Doc. 13) in their entirety and rules as follows:

1. The Petition (Doc. 1) is **DISMISSED WITH PREJUDICE**;
2. As reasonable jurists would not disagree with this conclusion, Jennings is **DENIED** a certificate of appealability;
3. The Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*; and
4. The Clerk is ordered to **TERMINATE** this case on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Tuesday, December 6, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE